IN REPLY REFER TO:
5720
Ser 13/3FA1328.17
January 3, 2018

Mr. Robert Hammond
707 Upham Place NW
Vienna, VA 22180

Dear Mr. Hammond:

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST DON-NAVY-2018-
002828

This responds to your above-referenced Freedom of Information Act (FOIA) request in which you seek documentation related to any records retention schedules approved by the National Archives and Records Administration that are specific to the Office of the Judge Advocate General (OJAG), as well as any guidance or correspondence of any kind received from any Department of the Navy entity regarding record retention, from June 1, 2017 to November 25, 2017. Specifically, you seek any guidance or correspondence related to FOIA records or Privacy Act records (including reports and/or raw data).

This response is provided on behalf of OJAG. Your request was processed in accordance with the FOIA (5 U.S.C. § 552), Part 701 of Title 32 of the Code of Federal Regulations, and the Department of the Navy Freedom of Information Act Program (SECNAVINST 5720.42F).

Individuals in the OJAG (Administrative Law Division) (Code 13) who were most knowledgeable about where responsive files would likely be found in this office searched for any responsive records. Shared computer drives and email .pst folders were searched using the search terms "record retention" and "records retention." Fourteen responsive pages were found pursuant to the FOIA. I conducted a releaseability determination on all fourteen pages maintained by OJAG, and I am partially releasing twelve pages.

I am withholding portions of the twelve partially released pages pursuant to FOIA exemption (b)(6). I am withholding two pages in full pursuant to FOIA exemptions (b)(5) and (b)(6). These two pages contain materials protected by the attorney-client and pre-decisional deliberative process privileges. Disclosure of the excised information could stifle future necessary free and frank communications. Portions of these two withheld pages also contain privacy-sensitive information, disclosure of which would

constitute a clearly unwarranted invasion of personal privacy that is not outweighed by the FOIA public interest in disclosure. Additionally, portions of the twelve partially released pages contain privacy-sensitive information, disclosure of which would constitute a clearly unwarranted invasion of personal privacy that is not outweighed by the FOIA public interest in disclosure.

I am the official responsible for the partial denial of your request. An adverse determination may be appealed, in writing, to OJAG (Assistant Judge Advocate General (Civil Law)), 1322 Patterson Avenue, SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Should you wish to appeal this matter, I recommend your envelope and statement bear the notation "FOIA Appeal." Your appeal must be postmarked within 90 days of the date of this letter. No fees were generated by this request.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison at DONFOIAPublicLiaison@navy.mil. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information of OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have any questions, please contact LCDR Emilee Baldini, JAGC, USN, who may be reached by e-mail at emilee.k.baldini@navy.mil or by phone at 703-614-7408.

Sincerely,

Eva Loser

E. M. LOSER
Deputy Assistant Judge Advocate General
(Administrative Law)
Office of the Judge Advocate General

Enclosure: Responsive Documents (12 pages)